

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:08CR3145
)	
v.)	
)	
DEANTE CHAVATE LEVI GAINES,)	MEMORANDUM AND ORDER
)	
Defendant.)	
)	

Because it is apparent that the defendant has not been honest with the substance abuse evaluator, I cannot conclude that he would comply with any release order.

IT THEREFORE HEREBY IS ORDERED:

1. The recommendation of the pretrial services officer is not accepted.

2. Defendant has not rebutted the presumption applicable in this case that he should be detained.

3. No release will be considered without a second substance abuse evaluation report. Any subsequent evaluation shall be at defendant's expense.

DATED this 25th day of November, 2008.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge